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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,793	12/08/1999	Christopher L. Knauf	66703-0002	6923

10291 7590 12/26/2007

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/26/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/456,793	Applicant(s) KNAUFT ET AL.	
	Examiner Maikhanh Nguyen	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

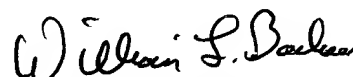
The Appeal Brief filed on 02 October 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

see Attached.


WILLIAM BASHORE
PRIMARY EXAMINER

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS
OF 37 § CFR 41.37**

1. Upon review of the IFW, it is noted that "*Summary of claimed subject matter*" appearing in the Appeal Brief filed 10/02/2007 is deficient.

2. 37 CFR § 41.37(c) (1) (v) reads as follows:

(c) (1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section:

....

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the

specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The "*Summary of claimed subject matter*" appearing in the Appeal Brief filed 10/02/2007 is deficient because it fails to provide a proper mapping the claimed invention to the claims.

For Example, Appellant maps the claim limitation "*converting at least a portion of a secure audiovisual object into index information, wherein the index information is structured for use in an index database of a search engine system, and wherein the secure audiovisual object is secure, in that search engine systems do not have full access to the secure audiovisual object*" to Specification, page 18, lines 26- 28.

Page 18, lines 26-28 read "*At the state 512, the server computer 110 converts all or selected portions of the source data object that is associated with the request into machine readable characters, that will collectively comprise an initial set of index information for source data object*".

Also, Appellant maps the claim limitation "*transmitting the obfuscated index information to the search engine system, wherein the obfuscated index information is for use in the index database of the search engine system*" to Specification, page 11, lines 29-31.

Page 11, lines 29-31 read *“resource that is associated a selected URL, the server computer 110 transmits an electronic document having index or other descriptive information regarding the source data object that is associated with the request, or, alternatively, one of the source data”*.

The above cited portions, however, fail to suggest the claimed *“converting at least a portion of a secure audiovisual object into index information, wherein the index information is structured for use in an index database of a search engine system, and wherein the secure audiovisual object is secure, in that search engine systems do not have full access to the secure audiovisual object”* and *“transmitting the obfuscated index information to the search engine system, wherein the obfuscated index information is for use in the index database of the search engine system”*.

Appellant is advised to review the *“Summary of claimed subject matter”* and provide a proper mapping for the subject matter defined in each of the independent claims involved in the appeal.

3. A substitute brief that is in compliance with 37 CFR § 41.37(c) is required. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c)

within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

For more information, see the United Patent and Trademark website www.uspto.gov and, in particular, the web page entitled "More Information on the Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule" located at the following URL:
<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner for patents
P.O. Box 1450
Alexandria, VA 22313-1450

MN

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER